

IN RE: PETITION FOR ZONING VARIANCE
N/S Marriottsville Road, 700'
W of the c/l of Hernwood Road
(10524 Marriottsville Road)
2nd Election District
3rd Councilmanic District
Steve Antoniou, et ux
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 91-398-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 29 feet in lieu of the required 50 feet for an existing dwelling in accordance with Petitioner's Exhibit 1.

Gus Lambros appeared and testified on behalf of Petitioners, who were out of State. Also appearing on behalf of the Petitioners was John F. Etzel, Registered Land Surveyor. There were no Protestants.

Testimony indicated that the subject property, known as 10524 Marriottsville Road, consists of 3.94 acres zoned R.C. 5 and is improved with a single family dwelling. Petitioners are desirous of subdividing the subject property to create two lots, Lot 1 of which would contain the existing dwelling. The proffered testimony indicated that the panhandle drive access along the west side property line to proposed Lot 2 has necessitated the requested variance. Testimony indicated the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a

permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of June, 1991 that the Petition for Zoning Variance to permit a side yard setback of 29 feet in lieu of the required 50 feet for an existing dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: **91-398-A**

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A04.3.B.3 to allow a sideyard setback of 29 feet in lieu of required 50 feet.

The undersigned, legal owner(s) of the property situate in Baltimore County, for the following reasons: (indicate hardship or practical difficulty)
The existing shape of the property is such that subdivision of the lot is possible in that the parcel has the adequate acreage but because of the location of the existing dwelling a fee simple panhandle strip that is required by Baltimore County would reduce the present sideyard of the dwelling from 49.9 feet to 29 feet thereby creating a practical difficulty in subdividing the property.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser: _____ Legal Owner(s): NW & E
(Type or Print Name) Steve Antoniou
Signature [Signature]
Address Maria Antoniou, his wife
(Type or Print Name) [Signature]
City and State Maryland
Attorney for Petitioner: _____
(Type or Print Name) 15324 Marriottsville Rd. 655-2550
Address Randallstown, MD, 21122
Signature [Signature]
City and State Maryland
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
John F. Etzel
City and State Maryland
Attorney's Telephone No.: 412 Delaware Ave., Towson 823-4470
Address [Signature]

ORDERED By The Zoning Commissioner of Baltimore County, this 17 day of June, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 5 day of June, 1991, at 10:30 o'clock A.M.

ESTIMATED LENGTH OF HEARING -1/2HR.
AVAILABLE FOR HEARING MON. TUES. WED. & THURS. 10 AM TO 12 PM
REVIEWED BY [Signature] 655-3294 (over)

GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 Delaware Avenue
TOWSON, MARYLAND 21204

DATE May 24 1991

RE: Case No. 91-398A

Antoniou

TO Baltimore County

TRANSMITTAL LETTER

ATTN: Zoning

NO. OF	ITEM	TITLE
		Revised zoning description and plats

REMARKS

Very truly yours,

Gordon T. Langdon

PHILIP K. CROSS
JOHN F. ETZEL
WILLIAM C. GURCH
GORDON T. LANGDON
DAVID E. RANSOME

GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 Delaware Avenue
TOWSON, MARYLAND 21204
823-4470

EMERITUS
PAUL S. DOLLEBERG
FRED H. DOLLEBERG
CARL L. GERHOLD

May 24, 1991

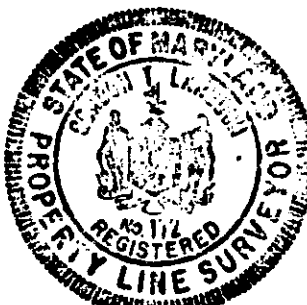
ZONING DESCRIPTION

All that piece or parcel of land situate, lying and being in the Second Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point in the center of Marriottsville Road at the distance of 700 feet measured Northwestly along the center of Marriottsville Road from the center of Hernwood Road and running thence along the center of Marriottsville Road North 48 degrees 29 minutes 02 seconds West 190 feet, thence leaving said road and running on the property lines of the Petitioners herein the four following courses and distances viz: North 28 degrees 10 minutes 30 seconds East 867.30 feet, South 61 degrees 48 minutes 05 seconds East 249.60 feet, South 43 degrees 38 minutes 30 seconds West 242.73 feet and South 28 degrees 10 minutes 30 seconds West 677.10 feet to the place of beginning.

Containing 3.94 Acres of land more or less.

Being the property of the Petitioners herein and shown on a plat filed with the Baltimore County Zoning Department.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd Date of Posting: May 22, 1991
Posted for: Lamar
Petitioner: Steve Antoniou
Location of property: N/S Marriottsville Road, 21122
Location of Sign: 15324 Marriottsville Road
Remarks: [Signature]
Number of Signs: 1

PHILIP K. CROSS
JOHN F. ETZEL
WILLIAM C. GURCH
GORDON T. LANGDON
DAVID E. RANSOME

GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 Delaware Avenue
TOWSON, MARYLAND 21204
823-4470

EMERITUS
PAUL S. DOLLEBERG
FRED H. DOLLEBERG
CARL L. GERHOLD

March 15, 1991

ZONING DESCRIPTION **91-398-A**

All that piece or parcel of land situate, lying and being in the Second Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point in the center of Marriottsville Road at the distance of 700 feet measured Northwestly along the center of Marriottsville Road from the center of Granite Road and running thence along the center of Marriottsville Road North 48 degrees 29 minutes 02 seconds West 190 feet, thence leaving said road and running on the property lines of the Petitioners herein the four following courses and distances viz: North 28 degrees 10 minutes 30 seconds East 867.30 feet, South 61 degrees 48 minutes 05 seconds East 249.60 feet, South 43 degrees 38 minutes 30 seconds West 242.73 feet and South 28 degrees 10 minutes 30 seconds West 677.10 feet to the place of beginning.

Containing 3.94 acres of land more or less.

Being the property of the Petitioners herein and shown on a plat filed with the Baltimore County Zoning Department.



John F. Etzel

CERTIFICATE OF PUBLICATION

Pikesville, Md., 5/8 1991
THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Maryland before the 7th day of May 1991
the first publication appearing on the 8th day of May, 1991
the second publication appearing on the day of May, 1991
the third publication appearing on the day of May, 1991

THE NORTHWEST STAR

[Signature]
Manager

Cost of Advertisement \$20

LEGAL NOTICE

BALTIMORE COUNTY GOVERNMENT
ZONING COMMISSIONER
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed Variance from Section 1A04.3.B.3 to allow a sideyard setback of 29 feet, at Room 108 of the County Office Building, Towson, Maryland 21204 on Thursday, June 6, 1991 at 10:30 A.M.
A variance to allow a side yard setback of 29 ft. in lieu of required 50 ft.
J. Robert Haines
Zoning Commissioner of Baltimore County

Special Events

Temple Emanuel Brotherhood will present Sheila Smith Buchdahl as the guest speaker at their May 12 breakfast. Her subject will be "Apple Pie and Motherhood." She is married to Rabbi Gustav Buchdahl of Temple Emanuel and the mother of three grown children. Breakfast begins at 9:45 a.m. Reservations: (922-5642).

Sat., May 11 from 9-5 is the Annual Market Day at the Cylburn Arboretum, 4915

FOR SALE

\$868 SWIMMING POOL
Warehouse clearance of new 12' x 32' installation available. huge deck, ladder, fencing, skimmer. Financing available. pools available.
Call toll free 24 hours • 1-800-444-3431 • 17 YEARS IN BUSINESS

The Royal Sisters Society will hold its annual Mother's Day Luncheon for members and guests on Wed., May 15 at noon at Shalom Zion Center. Cheryl Rosefield, guitarist and vocalist, will entertain. For reservations call Ida Sugar at 484-0046 or Annette Gendason at 558-5428.

The newest supplies available for customers will be on display at a special Appliance Fair sponsored by The Baltimore Outdoors Assoc. on Thurs. evening, May 16 at 8 p.m. in Zamoiski Auditorium at Sinai Hospital. (795-5456).

Sat., May 11 from 9-5 is the Annual Market Day at the Cylburn Arboretum, 4915

Amherst South Affr the U.S. speaker at Academy 6:30 p.m. West, St. Pr oldest black high school (359-5794).

Bedford Bedford Rd concert band featuring bass will perform Brody on and songs. Bluet, Sch. Rosini, (88

CERTIFICATE OF PUBLICATION

TOWSON, MD. May 10, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 9, 1991.

THE JEFFERSONIAN,
S. Zabo Orlov
 Publisher

32.83

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 West Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-398-A
 W/S Mariottville Road, 700' W of c/l Granite Road
 10524 Mariottville Road
 2nd Election District - 3rd Councilmanic
 Petitioner(s): Steve Antoniou, et ux
 Hearing Date: Wednesday, June 5, 1991 at 10:30 a.m.

Variance to allow a side yard setback of 23 ft. in lieu of required 50 ft.

J. ROBERT HAINES
 Zoning Commissioner of Baltimore County
 5102 May 9

Baltimore County Zoning Commissioner
 County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21204

Account R 001:6150
 Number

Date

Receipt

Please Make Checks Payable To: Baltimore County 01101074N11100 435.00

Cashier Validation

Baltimore County Zoning Commissioner
 County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21204

Account R 001:6150
 Number

Date

Receipt

Please Make Checks Payable To: Baltimore County 01101074N11100 431.83

Cashier Validation

Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning

111 West Chesapeake Avenue
 Towson, MD 21204

887-3353

DATE: 5-31-91

Re: Mr. & Mrs. Steve Antoniou
 10524 Mariottville Road
 Randalltown, Maryland 21133

Case Number: 91-398-A
 W/S Mariottville Road, 700' W of c/l Granite Road
 10524 Mariottville Road
 2nd Election District - 3rd Councilmanic
 Petitioner(s): Steve Antoniou, et ux
 HEARING: WEDNESDAY, JUNE 5, 1991 at 10:30 a.m.

Dear Petitioner(s):

Please be advised that \$ 81.83 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 West Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert Haines
 J. ROBERT HAINES
 ZONING COMMISSIONER
 BALTIMORE COUNTY, MARYLAND
 cct: John F. Etzel

Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning

111 West Chesapeake Avenue
 Towson, MD 21204

887-3353

April 29, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 West Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-398-A
 W/S Mariottville Road, 700' W of c/l Granite Road
 10524 Mariottville Road
 2nd Election District - 3rd Councilmanic
 Petitioner(s): Steve Antoniou, et ux
 HEARING: WEDNESDAY, JUNE 5, 1991 at 10:30 a.m.

Variance to allow a side yard setback of 23 ft. in lieu of required 50 ft.

J. Robert Haines
 J. ROBERT HAINES
 Zoning Commissioner of Baltimore County
 cct: Steve Antoniou, et ux
 John F. Etzel

Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning

111 West Chesapeake Avenue
 Towson, MD 21204

887-3353

April 1, 1991

John F. Etzel
 412 Delaware Avenue
 Towson, MD 21204

RE: Petition Filed in Zoning Office
 Item Number 372

Dear Representative:

This letter is to inform you that, due to a technical problem, your Petition for Variance has not been placed on the agenda for the week of April 9, 1991. According to our records, this Petition was filed on March 28, 1991 with John J. Sullivan, Jr.

In order for this Petition to be placed on the next agenda, you must contact John Sullivan at 887-3391 to rectify the problem.

Very truly yours,
J. Robert Haines
 J. Robert Haines
 Zoning Commissioner

JRH:ecj

Baltimore County Zoning Commissioner
 County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21204

Account R 001:6150
 Number

Date

Receipt

Please Make Checks Payable To: Baltimore County 01101074N11100 525.00

Cashier Validation

91-398-A

THIS DEED, made this 1st day of April, 1977, by and between Barbara A. Sanner, Harrison S. McCauley, Jr., John V. McCauley, Frances H. Kura and David L. McCauley, parties of the first part, and Steve Antoniou and Maria Antoniou, his wife, of Baltimore County in the State of Maryland, parties of the second part.

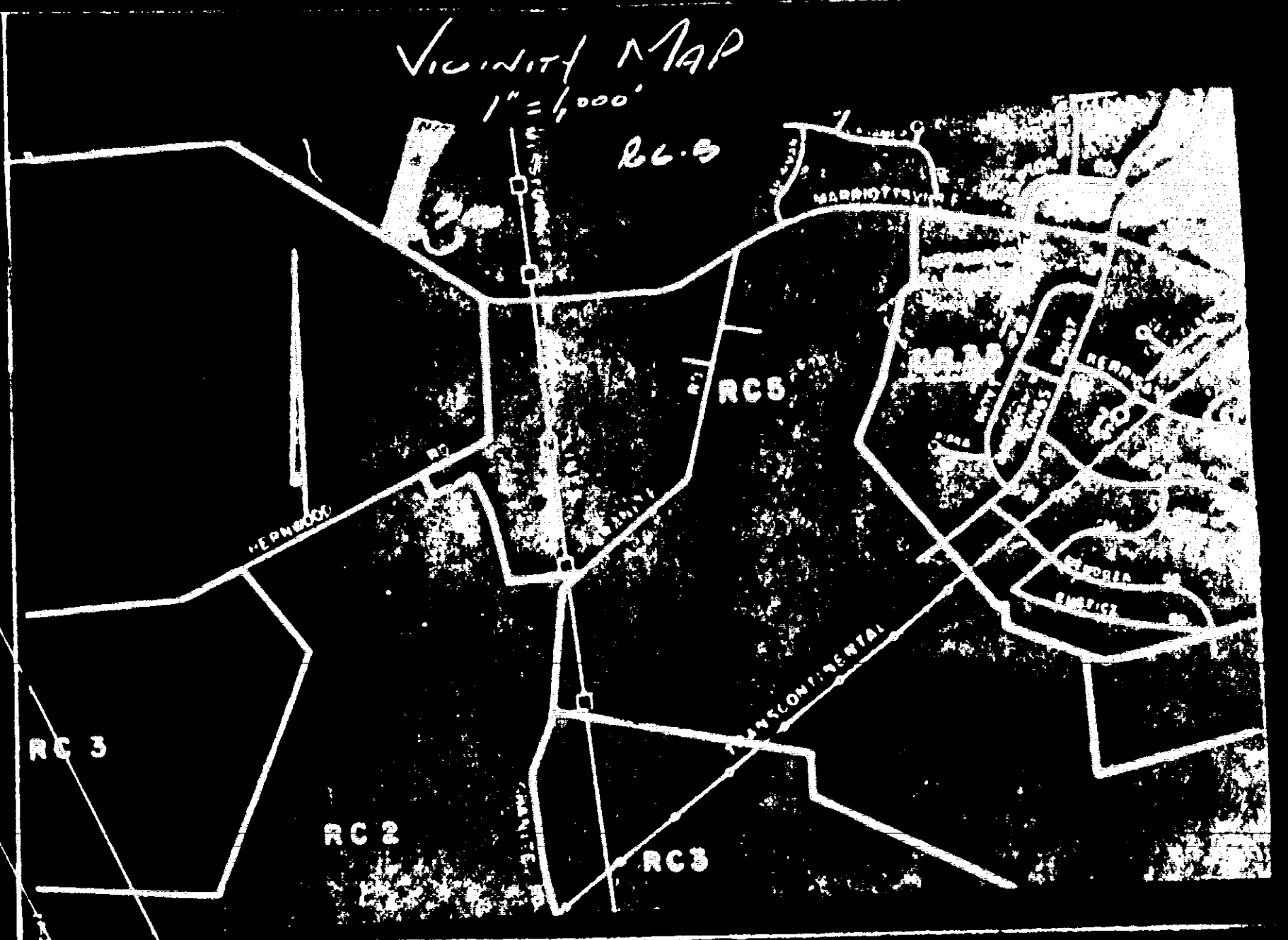
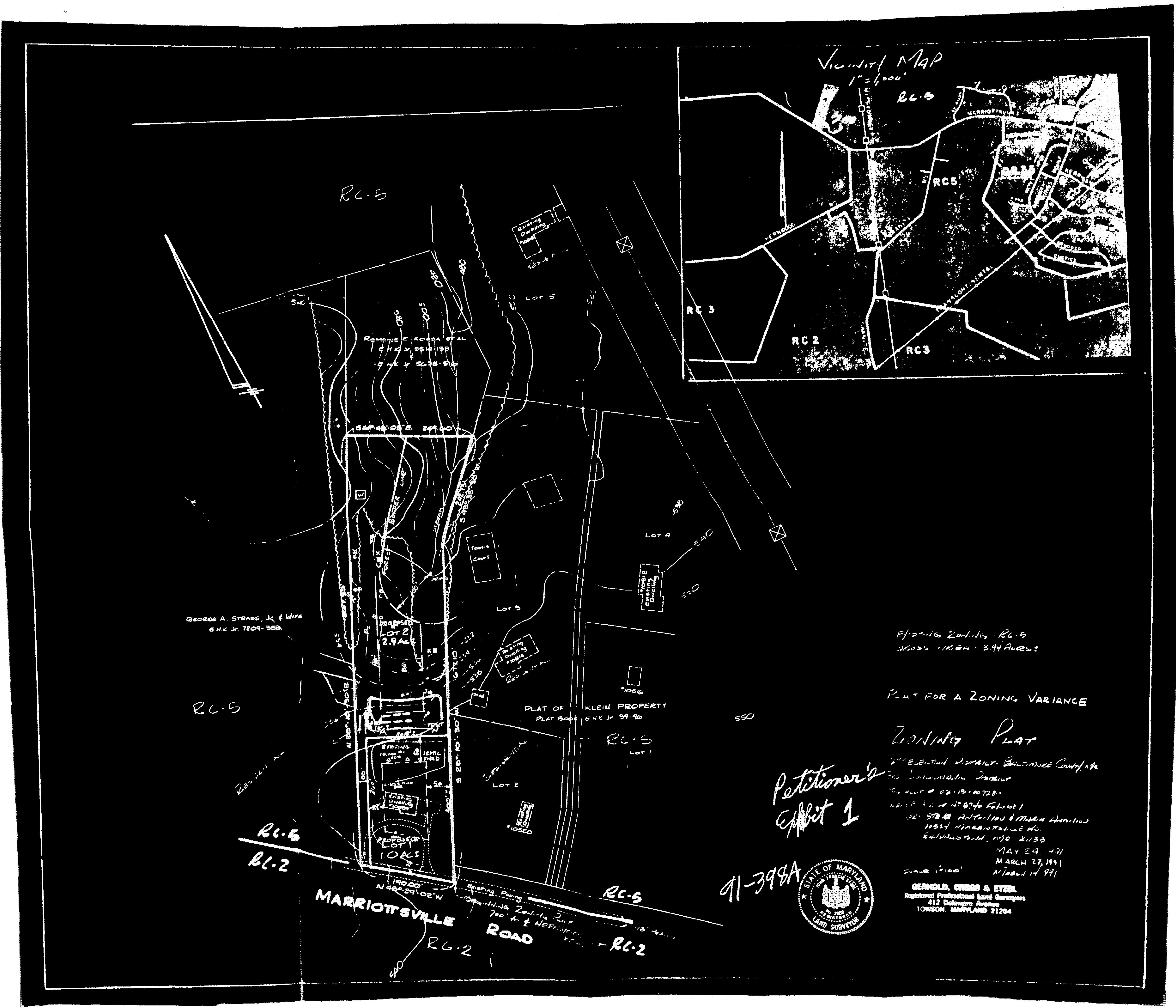
Witnesseth, that in consideration of the sum of Fivehollars and other good and valuable consideration, the receipt whereof is hereby acknowledged, the said parties of the first part do grant and convey unto the said Steve Antoniou and Maria Antoniou, his wife, as tenants by the entireties, their assigns, the survivor of them, and the survivor's heirs, personal representatives and assigns, in fee simple, all that lot of ground situate, lying and being on the Northeast side of Mariottville Road in the Second Election District of Baltimore County, Maryland aforesaid, and described as follows, that is to say:

Beginning for the same at a pipe found at the end of the North 23 1/2 degree East 10.3 North line of a tract of land conveyed to Charles A. Klein and Dolores M. Klein, his wife, by deed dated March 31, 1955 and recorded among the Land Records of Baltimore County in Liber D-148, folio 135, said pipe also being at the end of the North 27 degree 20 minutes East 650.16 foot line of a plat dated September 9, 1961 and recorded among the Land Records of Baltimore County in Vol. 10, page 112, and running thence on said line reversely South 28 degrees 10 minutes 30 seconds West 657.10 feet to a pipe set on the Northeast side of Mariottville Road containing thence south 28 degrees 10 minutes 30 seconds West 20 feet to a railroad spike set in the center of said road, thence with the center of said road North 18 degrees 29 minutes 02 seconds West 100 feet to a railroad spike set in the center of said road, thence leaving said road North 23 degrees 10 minutes 30 seconds East 20 feet to a pipe set on the Northeast side of said road, containing thence North 23 degrees 10 minutes 30 seconds East 247.20 feet to a pipe set, thence South 61 degrees 08 minutes 07 seconds East 289.00 feet to a pipe set on the North 10 1/2 degree East 22.7 North line of the aforesaid Klein conveyance, thence on said line reversely South 13 degrees 30 minutes 30 seconds West 212.73 feet to the beginning of said line and the place of beginning. Containing 3.96 acres of land more or less.

Being the same lot of ground which by deed dated August 11, 1976 and recorded among the Land Records of Baltimore County in Liber E.M.L.R. No. 506, folio 176, was granted and conveyed by Harrison S. McCauley, Jr., Personal Representative, etc. unto the above named grantors.

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or appertaining.

To have and to hold the said lot of ground and premises above described and mentioned and hereby intended to be conveyed together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Steve Antoniou and Maria Antoniou, his



E/10-16 201.16 RC-5
2000 11204 2.94 Acres

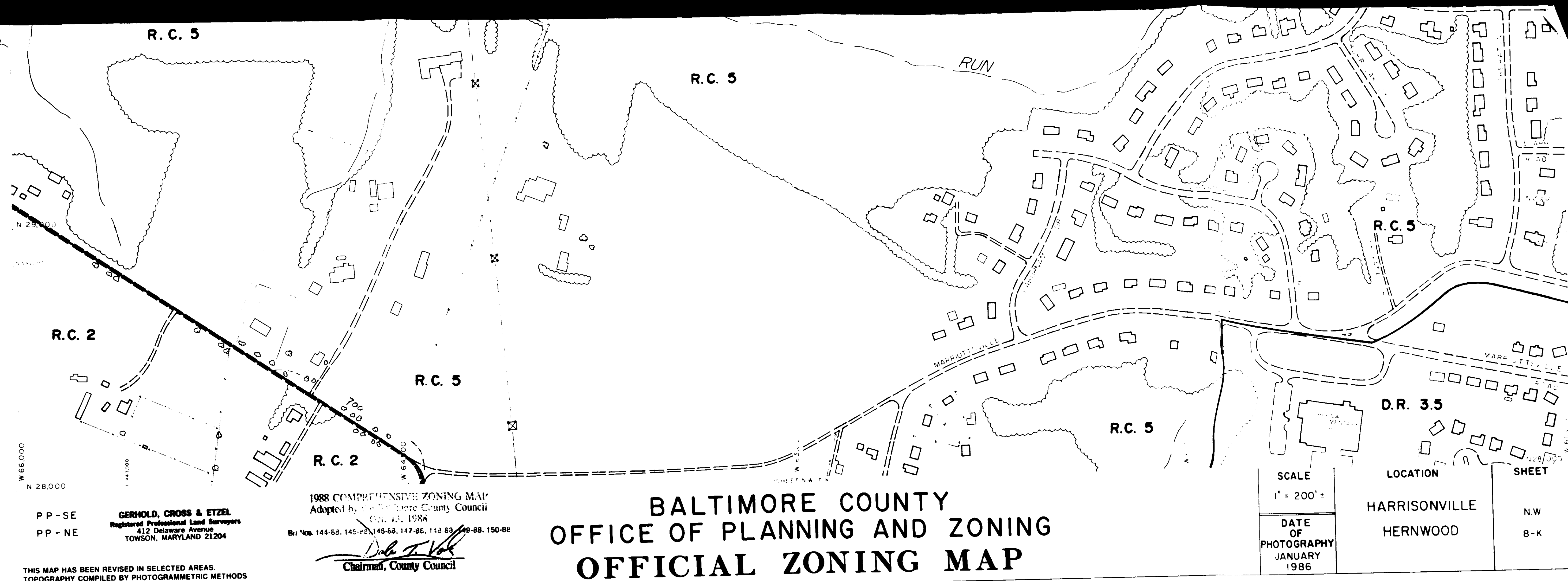
PLAT FOR A ZONING VARIANCE

ZONING PLAT

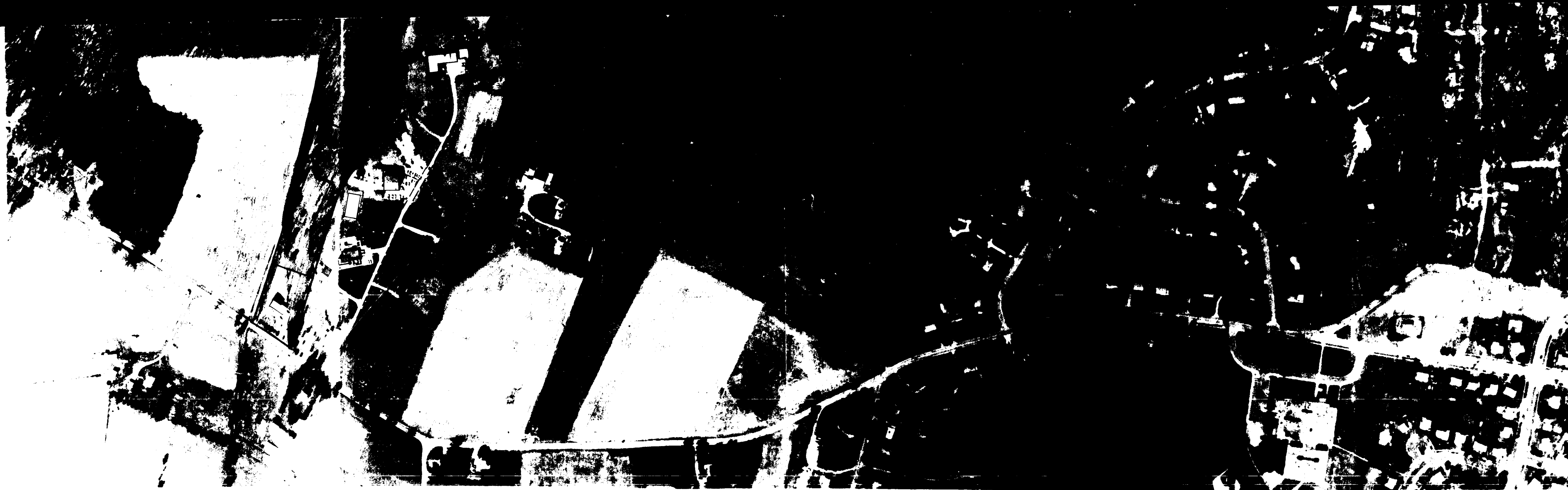
Petitioner's
Exhibit 1
41-398A



GERALD, CROSS & STEIN
Registered Professional Land Surveyors
412 Calverton Avenue
TOWSON, MARYLAND 21204



91-398-A



**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP**

SCALE	LOCATION	SHEET
1" = 200' ±	HARRISONVILLE HERNWOOD	N.W. 8-K
DATE OF PHOTOGRAPHY		
JANUARY 1986		

91-398-A

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 Delaware Avenue
TOWSON, MARYLAND 21204